



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: March 9, 2004
TO: City Council
FROM: Barbara Nicholson, Personnel Assistant
VIA: Dennis R. Halloway, City Manager
SUBJECT: Disability Retirement for Keith Stout

RECOMMENDATION

It is recommended that the City Council approve Council Bill #R-2004-10, a resolution certifying the disability retirement of Fire Engineer Keith Stout.

BACKGROUND

In order to complete the disability retirement for Fire Engineer Keith Stout, Government Code Sections 21154 and 21156 require that the City Council find that the retirement is a result of injury or disease arising out of and in the course and scope of employment.

Fire Engineer Keith Stout had been off work for most of 2003 for a work-related back injury. He has been examined by a Worker's Compensation Agreed Medical Examiner and it has been determined that this injury prevents his return to his usual and customary duties; therefore Mr. Stout applied for his disability retirement, effective January 26, 2004. Based on the medical evidence, it is therefore recommend that the City Council make the finding that the injury is work related.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CERTIFYING INDUSTRIAL DISABILITY AND ELIGIBILITY FOR RETIREMENT PURSUANT TO GOVERNMENT CODE SECTIONS 21154 AND 21156

WHEREAS, the City of Loma Linda (hereinafter referred to as Agency) is a contracting agency of the Public Employee's Retirement System; and

WHEREAS, the Public Employee's Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employee's Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, an application for disability retirement of Keith Stout, employed by the Agency in the position of Fire Engineer has been filed with the Public Employees' Retirement System; and

WHEREAS, the City Council of the City of Loma Linda has reviewed the medical and other evidence relevant to such alleged disability;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Loma Linda hereby finds and determines that Keith Stout is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Fire Engineer; and

BE IT FURTHER RESOLVED that the City Council of the City of Loma Linda finds and determines that such disability is a result of injury or disease arising out of and in the course and scope of employment. Neither said Keith Stout nor the agency City of Loma Linda has applied to the Worker's Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial; and

BE IT FURTHER RESOLVED that the member separated from his employment in the position of Fire Engineer after the expiration of his leave rights under Section 21164, Government code, effective January 26, 2004 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status was January 26, 2004. There is not a possibility of third party liability. Advance Disability Pension payments will not be made. The primary disabling condition is orthopedic.

PASSED, APPROVED AND ADOPTED this 9th day of March 2004 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk